

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
March 22, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Spain, Kenny, Forman, Conze, Bigelow

STAFF ATTENDING: Keating
COURT RECORDER: Beler

The meeting was called to order at 8:00 p.m. by Mr. Damanti.

Coastal Site Plan Review #204, Flood Damage Prevention Application #218, James & Susan Ramsey, 136 Pear Tree Point Road. Proposing to construct additions and alterations to the existing residence, abandon the existing septic system and tie into the public sanitary sewer system, and perform related site development activities within regulated areas. The subject property is located on the east side of Pear Tree Point Road, approximately 500 feet south of its intersection with Crane Road, and is shown on Assessor's Map #60 as Lots #38, #39, and #40, in the R-1 Zone.

Mr. Kevin Huelster, Architect, was present representing Mr. & Mrs. Ramsey. Mr. Huelster, explained what Mr. & Mrs. Ramsey were proposing in regard to constructing additions to the existing residence, and also that they will be abandoning the septic system which the house is now on, and going into the public sewer system. The site is a level one.

Mr. Spain was concerned with flooding as this house is located by Long Island Sound. Mr. Huelster explained that flooding would only be a concern in the rare instance of a serious flood or Nor'easter and that any storm water runoff would be handled by gutters which route water into dry wells on the property. He also explained that the foundation design calls for vents to equalize the flood water pressure and all mechanical systems will be elevated above the expected level. The oil tank in the basement is strapped down to prevent buoyancy during a flood. The Zoning Board of Appeals has approved the overall building height, allowing the existing house to remain at its present elevation within the flood zone, and rebuilding the front porch within the required setback – all variances were granted. They will be rebuilding the existing porch within the front setback, and the new construction will comply with all setback and flood damage prevention regulations. This is an historic house – it is the old Selleck House.

Mr. Kenny asked how the changes resulting from the new, public boat ramp across the street would affect this property. Mr. Huelster replied that there would not be any affect on this property and that a survey was just done on this only one month ago. He also explained that the fill taken out during this project will be used around the perimeter of the property. They will also need to bring in about 54 cubic yards of fill to achieve the grades shown on the submitted plans. Mr. Kenny then asked whether this house had work done on it recently. Mr. Keating replied that this was another house, and not this one.

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There being no other questions or comments, Mr. Conze then made a motion to close the public hearing on this matter, Mr. Bigelow seconded that motion, which was unanimously approved.

Mr. Damanti read the next agenda item:

Coastal Site Plan Review #205, Flood Damage Prevention Application #219, Mark Filanowski & Monica McNally, 71 Arrowhead Way. Proposing to remove fill and restore lawn, replace roof of garage, install garden, resurface driveway and parking area, and perform related site development activities within regulated areas. The subject property is located on the east side of Arrowhead Way, approximately 250 feet south of its intersection with Canoe Trail, and is shown on Assessor's Map #69 as Lot #20, in the R-1 Zone.

Attorney Wilder Gleason was present representing Mr. & Mrs. Filanowski. This property was purchased in 1998. There is a dam under the bridge at Arrowhead Way and Tokeneke Road. The property is in a transitional area between inland (fresh water) and tidal (salt water) wetlands. The Filanowskis started to have some site work done to clean up the site. The disturbance of the area within 100 feet of the water caused the staff to order that the work stop. The regrading was stopped and silt fences were installed to control erosion and sedimentation. The house is above the flood zone. It was also noted that the Environmental Protection Commission recently approved everything that is requested to be done on this property.

Mr. Spain asked about the silt fences on this property. Sarah McCool, Landscaper, stated that they would like to restore the lawn. Mr. Gleason, at this point in time, distributed a wetlands as shown on the town map with another possible wetlands area in question marked out.

Ms. McCool explained that the fill was not put in property in the wetlands area by the former contractor who did this work. She will remove the fill that was brought into the site and will loosen the compact natural soils. She plans also to replace trees and put in crabapple trees which are more sturdy. The stone wall will be rebuilt and they are also putting a vegetable garden in the area behind the garage. The roof on the garage will also be replaced. The gravel driveway will be replaced by a macadam one. The plans show a six foot tall fence proposed along the front property line. The regulations limit the wall and fence combination in the front yard not to exceed four feet in height. Attorney Gleason said that they would adhere to the four foot restriction.

There being no further questions or comments, Mr. Conze made a motion to close the public hearing on this matter. Mr. Kenny seconded that motion, which was unanimously approved.

Mr. Damanti read the next agenda item:

Land Filling & Regrading Application #137, David C. Saunders, 180 Pear Tree Point Road. Proposing filling and regrading associated with the construction of a pool, pool house and retaining wall, and the performance of related site development activities. The subject property is located on the north side of Pear Tree Point Road, approximately 200 feet west of its southern intersection with Long Neck Point Road, and is shown on Assessor's Map #60 as Lot #4, R-1 Zone.

Messrs. Jeff MacDougal, Bruce Eckerson, and John Martucci were present representing David C. Saunders. Mr. Saunders wants to construct a pool, patio, and stone wall on this property. Mr.

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McDougal explained that three hundred cubic yards of material will be excavated and re-used to level out the property and also for other construction projects. All of the neighbors have been told of the work that will be done and none had any objection to it.

Mr. Spain wanted to know how the run-off would affect the southwest piece of this lot, i.e. the downhill section along the street. Mr. Martucci answered that the new fill will not cause run-off on this section.

Mr. Kenny wanted to know what the plans were for the southeast section of the property with regard to plantings, screening, etc. Mr. Martucci stated that work being done would have no affect on this part of the property. Mr. Kenny also asked whether access onto Crane Road would be closed off. The Saunders do not have access from Crane Road, although it appears that there is a bike path or dirt driveway from Crane Road to the adjoining property to the west of Saunders.

There was then discussion between Mr. Keating and Mr. Damanti with regard to the list of neighbors within one hundred feet of this property being notified, with proof of mailing done. Mr. Damanti felt there might be a jurisdictional issue with this. Mr. Keating will check this out.

Mr. Keating also brought up a question raised by the Department of Public Works regarding an increase in volume of storm water runoff and retained on site and a question of peak flow and how to design pipes for this situation. Mr. Martucci explained that this is a closed drainage system and there will be no increase in run-off from this property to neighboring ones, in his professional opinion. Mr. Kenny then raised another Department of Public Works concern regarding what would occur if the galleries were full at the start of a rainstorm. Mr. Martucci stated there will not be a problem with groundwater, because it is three or more feet down. Mr. Spain wanted to know if a problem could be fixed if groundwater does collect. Mr. Martucci stated that yes, they can put in additional pipes for drainage.

Mr. Keating then stated another Department of Public Works question regarding how this drainage system affects water quality. Mr. Martucci stated that it will not affect quality of stormwater in any way.

There being no other questions or comments, Mr. Conze made a motion to close the public hearing on this matter. Mr. Kenny seconded that motion, which was unanimously approved.

There being no other items on the agenda for the Public Hearing, the Commission moved on to the General Meeting.

GENERAL MEETING

Discussion, deliberations and possible decisions regarding the following two applications:

Business Site Plan #83-B/Special Permit, Fairfield County Bank, 714 Boston Post Road.
Proposal to raze the existing structures on the premises, construct a new bank building with associated drive-through facilities and parking, and perform related site development activities. The subject properties are located on the southeast side of Boston Post Road, approximately 550 feet northeast of its intersection with Sedgwick Avenue, and is shown on Assessor's Map #16 as Lots #101 and #103, in the DB-1 (and DBR overlay) Zone.

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Mrs. Forman questioned why the easement to the Junior League property was not mentioned. Mr. Keating stated that the bank will be paving this driveway. Mr. Damanti stated that this was in the plan as an agreement between the Bank and the Junior League. There was then a discussion regarding the cottage on this property, which will be torn down. There are barns on this property that will be removed. The older one will be saved and moved elsewhere.

A question was raised regarding the tree in question that would affect the sight line going out onto Boston Post Road from this site. Mr. Bigelow stated that the applicant would have to come back to the Planning & Zoning Commission to replace or relocate this tree. There should be a change here: The Director should determine if the tree should be changed. All agreed to amend the resolution.

Mr. Kenny moved to approve this resolution as modified. Mr. Conze seconded that motion. The motion passed by a vote of 5-0, with one abstention, Mr. Bigelow, who was not at the public hearing. The adopted resolution is as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
March 22, 2005**

Application Number: Business Site Plan #83-B/Special Permit

Street Address: 714-728 Boston Post Road
Assessor's Map #16 Lots #101 and #103

Name and Address of Applicant and Applicant's Representative:	Applicant is Fairfield County Bank Corp. c/o J. Casey Healy, Esq. Gregory and Adams, PC 190 Old Ridgefield Road Wilton, CT 06897
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Name and Address of Property Owner:	714 Post Road Associates c/o J. Casey Healy, Esq. Gregory and Adams, PC 190 Old Ridgefield Road Wilton, CT 06897
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Activity Being Applied For: Proposal to raze the existing structures on the premises, construct a new bank building with associated drive-through facilities and parking, and perform related site development activities.

Property Location: The subject properties are located on the southeast side of Boston Post Road, approximately 550 feet northeast of its intersection with Sedgwick Avenue.

Zone: DB-1 (and DBR overlay) Zone.

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Date of Public Hearing: February 22, 2005

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: February 10 & 17, 2005

Newspaper: Darien News-Review

Date of Action: March 22, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of

Action: March 31, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 610, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials, the Commission finds:

1. The proposal is to raze the existing structures on the premises, construct a new bank building with associated drive-through facilities and parking, and perform related site development activities. There are six existing structures on this site, with the property having an easement over the adjacent Junior League property to the west. The applicant proposes to raze or remove all of the existing structures, construct a 4,350 square foot bank building (with a 2,600 square foot first floor) and reduce the curb cuts on Boston Post Road/Route 1 from three to two. Forty-four parking spaces are required per the Darien Zoning Regulations, and will be provided.
2. The Architectural Review Board approved the proposed signage program for the property at its meeting of September 21, 2004. The Board also approved the façade with the stipulation that once the gray to be used on the clapboard was selected, it would be submitted to the ARB for review. That approval is hereby incorporated by reference.
3. At the public hearing on this matter, the concerns from the Sedgwick Village condominium owners were presented and discussed. The applicant noted that he was willing to address those concerns through the installation of a seven foot high wood panel fence in certain locations on the property; new plantings on the Bank side of the fence; leaving the large fir tree along the common property line; using a "house side" shield on lights closest to the Sedgwick Village property; using only minimal security lighting after the bank is closed; and restricting bank hours.

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4. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
5. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
6. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
7. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.
8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #83-B/Special Permit is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the building, parking area, and landscaping shall be in conformance with the plans entitled (as required to be modified herein):
 - Fairfield County Bank Corp. 714 Post Road, by DCA Architects/Planners LLC, and Tighe & Bond Consulting Engineers, Sheets CE-1 through CE-9.
 - Proposed New Bank Branch for Fairfield County Bank, 714 Post Road, Floor Plans, by DCA Architects/Planners, dated 12/03/04, Sheet A1-1.
 - Proposed New Bank Branch for Fairfield County Bank, 714 Post Road, Elevations, by DCA Architects/Planners, dated 12/03/04, Sheet A1-2.
 - Proposed New Bank Branch for Fairfield County Bank, 714 Post Road, Planting & Lighting Plan, by Environmental Design Associates, dated 12/03/04, Sheet L-1.
- B. A mylar shall be filed in the Darien Land Records consolidating the two existing parcels (Lot #101 and Lot #103) into one parcel. Prior to the filing, the Assessor shall be consulted regarding the final lot number and street address of the combined lot.
- C. As noted on the submitted Planting & Lighting Plan, some of the proposed parking lot lighting shall be "house side" shielded (shielded on the back) in order to minimize any impacts on adjacent properties. All lighting shall comply fully with Section 232 of the Darien Zoning Regulations.

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- D. Sidewalks shall be installed along the Boston Post Road frontage of the property. These sidewalks shall be per the Darien "Model Block" standards. Plans shall be revised to reflect this requirement.
- E. As presented and agreed to by the applicant, the Commission requires that there shall be installation of a seven foot high wood screen/panel fence in the location where a six foot high fence is shown on the Planting & Lighting Plan; new plantings on the Bank side of the fence (also shown on that Plan); no removal of the large fir tree along the common property line; and use of only minimal security lighting after the bank is closed.
- F. Because of the bank's proximity to adjacent residential properties, bank and bank drive-up hours shall be limited to a maximum of 8:00 A.M. to 6:00 P.M. Monday through Thursday, 8:00 A.M. to 7:00 P.M. on Friday, and 9:00 A.M. to 12:00 noon on Saturday. Any request to extend hours of the bank or drive-up teller beyond these hours would require prior review and approval by the Planning and Zoning Commission as an amendment of this Special Permit. The limit on hours is exclusive of any public access to an Automatic Teller Machine, which may be in use up to 24 hours a day, seven days a week.
- G. At the public hearing, the Commission noted its concern with the proposed Bradford Callery Pear tree proposed for the northeast corner of the property. If the Planning and Zoning Director believes that this tree will cause sight line difficulties and/or safety concerns, he shall assist the Landscape Architect in selecting an appropriate substitute tree, or finding a more appropriate location for that tree to be planted or replanted if necessary.
- H. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- I. A final as-built drawing and certification shall be submitted by a professional engineer confirming that the entire project, including the required drainage, has been properly completed.
- J. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, a curb cut approval from the State of Connecticut Department of Transportation regarding curb cut changes on Boston Post Road/Route 1, and a Sewer Connection Permit from the Darien Public Works Department.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

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- L. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (March 21, 2006). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan, as required herein to be revised (showing the revised sidewalk design), shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action, including the filing of a mylar map to combine the two lots, and the filing a Special Permit form in the Darien Land Records, or this approval shall become null and void.

Proposed Modification of Special Permit Application #221-D, Cellco Partnership d/b/a Verizon Wireless, 4 Tower Drive. Proposing to install wireless telecommunications antennas on the existing concrete water tank beneath a new "cap" on the tank and to install an equipment shelter within the existing tank housing. The subject property is located on the south side of Tower Drive approximately 250 feet east of its intersection with Mansfield Avenue, and is shown on Tax Assessor's Map #1 as Lot #136 in the R-2 Zone.

There was a discussion to clarify the language of the draft resolution. All agreed. Mr. Conze made a motion to approve the resolution as modified. Mrs. Forman seconded that motion. The Commission then voted 5-0 to adopt the resolution with one abstention, Mr. Bigelow, who was not at the public hearing on this matter. The adopted resolution is as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
March 22, 2005**

Application Number: Modification of Special Permit Application #221-D

Tax Assessor's Map #1 Lot #136

Street Address: 4 Tower Drive

Name and Address of Applicant: Cellco Partnership d/b/a Verizon Wireless
C/o Sandy Carter, Regulatory Manager
99 East River Drive
East Hartford, CT 06108

Name and Address of Applicant's Representative: Kenneth Baldwin, Esq.
Robinson & Cole, LLP
280 Trumbull Street
Hartford, CT 06103-3597

Name and Address of Property Owner: Aquarion Water Company of CT
1 Canal Street

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Westport, CT 06880

Activity Being Applied For: Proposing to install wireless telecommunications antennas on the existing concrete tower covering the water tank and to install an equipment shelter within the existing tower structure.

Property Location: Subject property is located on the south side of Tower Drive approximately 250 feet east of its intersection with Mansfield Avenue.

Zone: R-2

Date of Public Hearing: February 22, 2005

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: February 10 & 17, 2005

Newspaper: Darien News-Review

Date of Action: March 22, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
March 31, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 950 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. As noted above, Aquarion Water Company is the subject property owner, and Cellco Partnership d/b/a Verizon Wireless is the applicant. Verizon Wireless is fully licensed in the State of Connecticut. In the past, the Planning & Zoning Commission has approved antennas for Sprint, AT&T and Nextel on this water tower within the tank enclosure. Sprint and AT&T have installed their antennas, but Nextel has not. Verizon Wireless has also received approval in the past to install antennas on the top of the tower structure that covers the water tank and to construct a cap or cover enclosure to go on top of the tower to cover the antenna (as part of Special Permit Application #221-D), but those have not been installed.

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2. The proposed telecommunication antennas are proposed to be affixed 108' +/- above ground level (existing grade) and then covered with a stealth screening cap type structure. The applicant has proposed that with the cap, the side walls of the water tower enclosure be raised in height by seven feet, and the overall peak of the tower be raised by one foot (as shown on Drawing SK-1). The original cap would have raised the side walls by only five feet and the height of the center peak of the tower would have remained unchanged. The applicant's engineer has explained that the increases are necessary for the structural stability of the tower and has certified that the structural stability of the tower will not be degraded by the current proposed design. The location of the proposed antennas is 21½' +/- feet higher than the Nextel Communications antennas approved as part of Special Permit #221-A; and 9 feet 10 inches +/- higher than the Sprint PCS antennas approved in Special Permit #221-B.
3. The proposed equipment cabinets will be placed inside the base of the tower enclosure that surrounds the water tank. Two condensing units will be placed within the existing water tower enclosure as shown on Drawings C-1 and C-2 of the submitted application. No equipment is proposed to be stored or located outside of the enclosure.
4. The applicant noted that other alternatives for antenna locations in this area were examined. However, in order to provide Verizon Wireless capacity and coverage to the northern Mansfield Avenue area, this was determined to be the optimal location. Use of the existing tower structure, rather than erecting another tower, is the preference expressed in Section 950 of the Darien Zoning Regulations.
5. According to the submitted report, the Radio Frequency (RF) emissions from the antennas, as proposed, comply fully with all Federal standards. The antennas in combination with the other antennas now on the water tower also comply with all Federal standards.
6. Most of the monitoring of the antennas and related equipment will occur off-site. Therefore, there will be very little activity at this site after construction and installation is complete. Most likely, this will involve a monthly visit by a maintenance technician.
7. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
8. The location and nature of the proposed use, are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or unreasonably impair the value thereof.
9. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

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NOW THEREFORE BE IT RESOLVED that Modification of Special Permit #221-D is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the wireless telecommunications antennas and related equipment shall be in accordance with the plans entitled:
- Cellco Partnership d.b.a. Verizon Wireless, Darien East, 4 Tower Drive by Natcomm LLC, dated 04/04/02 and last revised 02/22/05, Sheets C-1, C-2, and E-1 (these plans show the location of the approved, but not yet installed Nextel antennas and equipment).
 - Cellco Partnership d.b.a. Verizon Wireless, Darien East, 4 Tower Drive by Natcomm LLC, dated 04/04/02 and last revised 02/22/05, Drawing SK-1 (submitted at 2/22/05 hearing).
 - Cellco Partnership d.b.a. Verizon Wireless, Structural Modifications Darien Water Tower, Darien East, 4 Tower Drive by Natcomm LLC, dated 06/17/02 and last revised 11/19/02, Sheets S-1 through S-5.
 - Cellco Partnership d.b.a. Verizon Wireless, Structural Elevation, Plan and Details, Darien East, 4 Tower Drive by Natcomm LLC, dated 04/04/02 and last revised 10/05/04, Sheet S-1.
- It is specifically noted that the new "cap" shall match the existing water tower enclosure with respect to color, texture, reflectivity and other visual characteristics. This matching must be coordinated with the other installations at the tower and must be completed prior to the antenna becoming operational.
- B. RF emission testing under full power shall be conducted within 30 days of the antennas becoming operational. Actual instrument measurements of the signal shall be taken at the same locations as the chart presented in the application once the antennas are "on-air". Within fourteen days of the test results, they shall then be filed with the Planning and Zoning Department, along with a statement from an independent qualified inspector that these are the actual emission signal levels measured on a clear day, and that they fall within FCC requirements. The RF emissions shall comply at all times with all applicable FCC standards.
- C. Verizon Wireless shall comply fully with all provisions in the current lease regarding equipment operations and maintenance. Due to the Commission's policy to encourage co-location, the lessor cannot give Verizon Wireless exclusive rights to situate antenna(s) in this location.
- D. An as-built certification shall be submitted upon completion of construction, per Section 953.9 of the Darien Zoning Regulations.
- E. Because the antennas involve a limited expansion of the tower shell and will be fully enclosed in the water tower, the Commission hereby waives the requirement for posting of a bond.
- F. As explained by the applicant, the antennas and their emissions will not cause any electro-magnetic, radio, telephone or TV interference, nor shall it interfere with the structural integrity of the existing tower. Installation of the new antenna and the cap must be coordinated with, and avoid any negative impacts upon, the existing Darien emergency services antenna(s) on the tower structure.
- G. A detailed procedure to deal with complaints about radio, telephone, television and other consumer electronic equipment shall be developed by Verizon Wireless and submitted to the

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Planning and Zoning Office prior to receiving a Zoning Permit or Building Permit. That Complaint Procedure shall also be filed with the Selectmen's Office. The purpose of this procedure is that citizens will have a contact person at Verizon Wireless and prompt action will be taken by Verizon Wireless to remedy any interference caused by, or reasonably attributed to, the communications system.

- H. A detailed procedure to address issues related to construction activity, property maintenance or the timing or number of employee visits to the site shall be prepared by Verizon Wireless and the property owner, Aquarion Water Company. The procedure shall be submitted to the Planning and Zoning Office prior to receiving a Zoning Permit or Building Permit. That Procedure shall also be filed with the Selectmen's Office. The purpose of this procedure is that citizens will have a contact person at Aquarion Water Company and/or Verizon Wireless and prompt action will be taken by Aquarion Water Company and/or Verizon Wireless to remedy any problems relative to the construction activities, to property maintenance, or to employee visits. As noted within the application materials, the site shall be visited on the average of once a month for periodic maintenance by Verizon Wireless employees, and will be continuously monitored from off-site at all times.
- I. This permit will last for the extent of the lease. If, however, during the term of the lease, or any renewal thereof, the operation of the facility creates electro-magnetic, radio, telephone or television interference problems, Verizon Wireless shall immediately take all steps necessary to correct and eliminate any interference. If such interference cannot be eliminated within forty-eight hours after receipt of written notice of existence of such interference, Verizon Wireless shall discontinue use of the equipment. If repeated interference problems occur which the Commission deems unacceptable, the Commission reserves the right to review, and if appropriate after notice and hearing, terminate this Special Permit.
- J. If the telecommunications facility ceases operations at the water tower or is abandoned by Verizon Wireless, Verizon Wireless shall immediately notify the Planning and Zoning office. Within 30 days of ceasing operation, they shall submit a plan for both removing their equipment and assuring the structural stability of the tower and cap, certified by licensed engineer and approved by the Planning & Zoning Director. Verizon Wireless shall also remove all antennas and all related equipment, and notice thereof shall be furnished to the Planning and Zoning Commission upon completion of same.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- L. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- M. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (March 21, 2006). This may be extended as per Section 1009.

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All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Commission, and a Special Permit form filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Approval of Minutes

March 1, 2005 and March 8, 2005.

Minor typographic corrections were discussed and agreed to by all. Mr. Conze made a motion to approve both sets of minutes as corrected. Mrs. Forman seconded that motion, which was unanimously approved by the Commission, with Mr. Bigelow abstaining since he was not at those meetings.

2005 Town Plan of Conservation & Development

Discussion regarding:

- Review of all comments received thus far
- Revised draft of Environmental Resources Chapter & Appendix
- Revised draft of Traffic & Transportation Chapter & Appendix

In reference to the word “Vision” used in the draft of the Town Plan, Mrs. Forman did not like the use of this word and suggested another type of wording be used. Mr. Conze suggested that it should be a “statement from the board of selectman” and that the Planning & Zoning Commission should have their own statement. It was also suggested that “roadmap” may be a better concept, since this can change over the years, and also how to change it. A disclaimer is also needed, since plans are not etched in stone.

Mr. Kenny then went into a discussion about the size of condominiums in upscale areas such as Darien. Condominiums are usually constructed to be small to comply with the current size limitations. If there were to be an increase in the allowable size of the condominiums, developers may want to use the existing business buildings to construct bigger condominiums. It was agreed that this could be discussed at a separate planning session.

Mrs. Forman then also made the suggestion that we could use the Town Plan as a “blueprint”. She also mentioned that the chapters are short. Mr. Bigelow stated that the Town needs a concise plan – not adding everyone’s special agenda into it.

Mrs. Forman then made a reference to the Environmental Resources Chapter and Appendix and whether anyone had any comments.

It was then discussed by all that there should be a meeting just to discuss the Town Plan, maybe in a separate one from the regularly scheduled Tuesday meetings. Mr. Bigelow stated that people will remember this Plan five years from now, and that this is very important. People can really have input into Town Planning at Public Hearings.

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Discussion and deliberations regarding any closed public hearing matters.

Mr. Damanti asked if all were in favor of the first three agenda items of the Public Hearing, all were in favor. Staff will draft resolutions for discussion and consideration in early April.

There being no other business, the meeting was adjourned at 9:30PM.

Respectfully submitted,

David J. Keating
Assistant Director of Planning & Zoning